

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA, *et al.*,)
)
Plaintiffs,)
)
v.) Civil Action No. 1:23cv0108 (LMB/JFA)
)
GOOGLE LLC,)
)
Defendant.)
)

ORDER

This matter is before the court on plaintiffs' motion to seal certain portions of their reply in support of motion to exclude opinions of Itamar Simonson and related opinions of Mark Israel. (Docket no. 719). In the memorandum in support of the motion to seal, plaintiffs state that they redacted portions of the memorandum and "certain exhibits" based on defendant designating that information as confidential. (Docket no. 620). A review of this filing reveals that exhibits L, P, and Q were filed in the public record and redacted versions of exhibit M, N, and O were filed in the public record. (Docket no. 718). Defendant filed a response to this motion that does not directly address any of the redactions to the reply but requests that a portion of exhibit N remain under seal. (Docket no. 880-1 at 35). Defendant has no objection to the unsealing of exhibits M and O. (Docket no. 880-2 at 5).

Initially, the court finds that the materials filed relating to this motion require an analysis of the public's access under the First Amendment standard requiring that access may be restricted only if it is necessitated by a compelling government interest and the denial of access is narrowly tailored to serve that interest. *See Va. Dep't of State Police v. Wash. Post*, 386 F.3d 567, 575 (4th Cir. 2004); *Doe v. Pub. Citizen*, 749 F.3d 246, 266 (4th Cir. 2014). Having

reviewed the submissions of the parties and considering the Fourth Circuit's directives, the court finds

1. That the motion to seal the reply in support of motion to exclude opinions of Itamar Simonson and related opinions of Mark Israel is denied and an unredacted copy shall be filed in the public record.
2. The motion to seal exhibits M, N, and O is denied and those exhibits shall be filed in the public record. Defendant consents to the unsealing of exhibits M and O. The court has reviewed the information contained in exhibit N at 275:20 and finds that information has been disclosed previously and that it does not contain any specific customer information or financial information.

In accordance with this Order, within seven days plaintiffs shall file in the public record an unredacted version of the reply in support of motion to exclude opinions of Itamar Simonson and related opinions of Mark Israel with unredacted versions of exhibits M, N, and O.

Entered this 26th day of July, 2024.

Alexandria, Virginia

/s/ 
John F. Anderson
United States Magistrate Judge
John F. Anderson
United States Magistrate Judge